

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ALEXANDER DIAZ VAZQUEZ
12505 Grimsby Avenue
Cleveland, Ohio 44135

Plaintiff,

V.

DORSEY THORNTON & ASSOCIATES
PO Box 47995
Atlanta, Georgia 30362

Defendant.

Case No.: 1:11-cv-2387

JURY DEMAND REQUESTED

VERIFIED CIVIL COMPLAINT

(Unlawful Debt Collection Practices)

VERIFIED COMPLAINT

PLAINTIFF ALEXANDER DIAZ VAZQUEZ (Plaintiff), by his attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against DEFENDANT DORSEY THORNTON AND ASSOCIATES (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.

4. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in Cleveland, Cuyahoga County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by 15 *U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in 15 *U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a debt collector with an office in Atlanta, Georgia.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 *U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant places excessive calls to Plaintiff in an attempt to collect an alleged debt.
11. Defendant calls Plaintiff up to four times per day and has been calling him in this manner since October 2010.
12. Plaintiff has made several written requests for verification of the debt allegedly owed debt and Defendant refuses to respond.

13. Defendant has possibly given Plaintiff a false address.
14. Defendant refuses to accept mail at the address it has given Plaintiff.
15. Defendant has represented itself to be the Cuyahoga County sheriff's office.
16. Defendant has threatened to have Plaintiff arrested and sent to jail.
17. Defendant has threatened to file a lawsuit against Plaintiff.
18. Defendant has sent Plaintiff emails accusing him of committing check fraud.
19. Plaintiff receives telephone calls from Defendant at telephone number: 216-269-2124.
20. Defendant calls Plaintiff from telephone numbers: 404-935-9490 and 770-774-3597.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

21. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
 - b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
 - c. Defendant violated §1692e of the FDCPA through the use of false, deceptive, or misleading representation or means in connection with the collection of any debt.
 - d. Defendant violated §1692e(1) of the FDCPA through the representation or

implication that the debt collector is affiliated with the State of Ohio.

- e. Defendant violated §1692e(4) of the FDCPA by representing or implying that the nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment, or sale of any property or wages of any person unless such action is lawful and the debt collector or creditor intends to take such action.
- f. Defendant violated §1692e(5) of the FDCPA by threatening to take any action that cannot legally be taken or that is not intended to be taken.
- g. Defendant violated §1692e(7) of the FDCPA by falsely representing that Plaintiff committed a crime or by engaging in other conduct in order to disgrace the consumer.
- h. Defendant violated §1692e(10) of the FDCPA through the use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.
- i. Defendant violated §1692g of the FDCPA by failing to validate the debt after Plaintiff requested that it do so in writing.

WHEREFORE, Plaintiff, ALEXANDER DIAZ VAZQUEZ, respectfully requests judgment be entered against Defendant, DORSEY THORNTON AND ASSOCIATES for the following:

22. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
23. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
24. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, ALEXANDER DIAZ VAZQUEZ, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

KAHN & ASSOCIATES, L.L.C.

/s/ J. Daniel Scharville
J. DANIEL SCHARVILLE (0071132)
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Independence, Ohio 44131
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Attorney for the Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

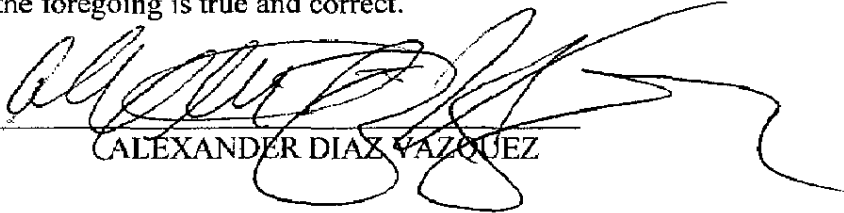
STATE OF OHIO

Plaintiff, ALEXANDER DIAZ VAZQUEZ, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, ALEXANDER DIAZ VAZQUEZ, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

11-02-2011
Date


ALEXANDER DIAZ VAZQUEZ